

Ex. B

(May 23 Transcript)

COPY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

HOUSTON DIVISION

| | | |
|--------------------------|---|------------------------|
| JEFFREY DEMOND WILLIAMS, | . | CASE NO. CA-H-04-2945 |
| | . | |
| PLAINTIFF, | . | |
| | . | |
| V. | . | HOUSTON, TEXAS |
| | . | TUESDAY, MAY 23, 2006 |
| DOUG DRETKE, ET AL., | . | 9:08 A.M. TO 1:52 P.M. |
| | . | |
| DEFENDANT. | . | |
| | . | |

EVIDENTIARY HEARING

BEFORE THE HONORABLE NANCY JOHNSON
UNITED STATES MAGISTRATE JUDGE

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1 **MS. ODEN:** Thank you.

2 **THE COURT:** Is that it? Is evidence done? What do
3 you have?

4 **MR. CONNELL:** I have two issues. The first, and it
5 may have been resolved by that -- if you'll give me just a
6 moment --

7 **THE COURT:** Sure.

8 **MR. CONNELL:** She had asked me for my signature on
9 something.

10 **(Pause)**

11 **MR. CONNELL:** Okay. There's really one remaining
12 issue, your Honor. And that is that I would ask the Court to
13 ask the Attorney General's Office to turn over to us
14 whatever -- a copy of whatever *subpoena duces tecum* at issue
15 pursuant to Rule 45, during the course of this case.

16 It's no more than what we were due in the first
17 place. And in case we may want to brief that issue further, we
18 deserve a copy of the subpoena *duces tecum*. This is clearly
19 required by Rule 45. And the Attorney General should turn them
20 over to us.

21 **THE COURT:** The subpoena to the library, is that the
22 one -- or the mail room? Is that --

23 **MR. CONNELL:** The mail room. I don't know whether
24 there were any others. But the mail room is the one that we
25 heard testimony about.

1 **MS. ODEN:** If you'll tell me which subpoenas he
2 wants, we --

3 **THE COURT:** Yeah.

4 **MS. ODEN:** -- don't keep copies of the subpoenas. We
5 sign and send the originals. So I'll have to contact who
6 receives the subpoenas. We have copies saved by the computer
7 that aren't signed.

8 **MR. CONNELL:** I would like the copy -- Rule 45
9 requires that --

10 **MS. ODEN:** Right.

11 **MR. CONNELL:** -- when somebody sends a subpoena, they
12 send the other side a copy. I'd like a copy of --

13 **THE COURT:** Right.

14 **MR. CONNELL:** -- whatever subpoenas were sent.

15 **THE COURT:** He was supposed to get a copy of the
16 subpoenas.

17 **MS. ODEN:** Understood.

18 **THE COURT:** So send him what you have and try to get
19 what you sent. I mean --

20 **MS. ODEN:** Yes, ma'am.

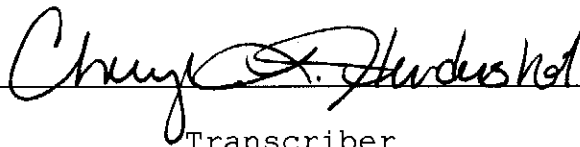
21 **THE COURT:** -- he's entitled to it. What else?

22 **MR. CONNELL:** Right. Other than that, I just wanted
23 to know what the Court wanted to do for a briefing schedule.

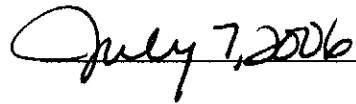
24 **THE COURT:** What do you want to do for a briefing
25 schedule?

CERTIFICATION

I certify that the foregoing is a correct transcript from the electronic sound recording of the proceedings in the above-entitled matter.



Transcriber



Date

CA-H-04-2945

05/23/06 - 07/07/06